



General Assembly

Distr.: Limited
1 April 2014

Original: English

**Committee on the Peaceful
Uses of Outer Space**
Legal Subcommittee
Fifty-third session
Vienna, 24 March-4 April 2014

Draft report

Addendum

X. General exchange of information on non-legally binding United Nations instruments on outer space

1. Pursuant to General Assembly resolution 68/75, the Subcommittee considered agenda item 12, entitled "General exchange of information on non-legally binding United Nations instruments on outer space", as a single issue/item for discussion.
2. The representatives of Brazil, China, Cuba, France, Germany, Japan, Mexico, the Netherlands, Nigeria, Portugal, the Republic of Korea, the Russian Federation, South Africa, the United States and Venezuela (Bolivarian Republic of) made statements under agenda item 12. During the general exchange of views, statements relating to the item were also made by representatives of other member States.
3. The Subcommittee recalled that the objectives of the item were to facilitate an exchange of views on the topic and to share information on specific measures taken by member States and international organizations in relation to non-legally binding United Nations instruments that contribute to the exploration and use of outer space for peaceful purposes.
4. For its consideration of the item, the Subcommittee had before it a conference room paper prepared by Japan, entitled "General exchange of information on non-legally binding United Nations instruments on outer space (A/AC.105/C.2/2014/CRP.29).
5. The Subcommittee heard a presentation entitled "Japanese contribution to the general exchange on non-legally binding United Nations instruments on outer space", by the representative of Japan.

V.14-02070 (E)



Please recycle The universal recycling symbol, consisting of three chasing arrows forming a triangle.

6. The Subcommittee noted with satisfaction that some States had taken measures to implement internationally recognized guidelines, principles and standards through relevant provisions in their national legislation, and thus non-binding international norms had become binding in certain provisions of national legislation.
7. The view was expressed that existing non-legally binding United Nations instruments related to space activities had played an important role to complement and support the United Nations treaties on outer space and that they continued to play a significant role as an effective means to address emerging issues and served as a basis to ensure safe and sustainable use of outer space.
8. The view was expressed that the exchange of information under the agenda item would assist States in their deliberations and would shed light on and clarify the use of non-legally binding United Nations instruments on outer space.
9. The view was expressed that the opportunity to exchange information under the item was especially welcome in view of the recommendation of the Group of Governmental Experts on Transparency and Confidence-Building Measures in Outer Space Activities that Member States should take measures to implement, to the greatest extent practicable, principles and guidelines endorsed on the basis of consensus by the Committee on the Peaceful Uses of Outer Space and the General Assembly (see A/68/189, para. 73).
10. The view was expressed that among the most important roles for international lawyers in facilitating successful international cooperation was identifying the optimal cooperative mechanism in any given case, including when a non-legally binding mechanism might actually facilitate the objectives of cooperation better than a treaty.
11. The view was expressed that concluding non-legally binding instruments on outer space under the framework of the United Nations would usefully complement the existing legal system of space law, representing an effort of the international community in regulating outer space activities and in promoting space law-making, and would thus be conducive to the harmonious, inclusive, and long-term sustainable development of outer space activities in accordance with the law.
12. The view was expressed that given the nature of non-legally binding United Nations instruments on outer space, which in essence were composed of statements, recommendations, guidelines and principles and were aimed at promoting patterns of behaviour not based on strictly binding rules, they could not play an effective role in ensuring sustainability of space activities. In that regard, the delegation expressing that view was also of the view that the Subcommittee should examine those norms in order to further develop binding norms and standards in space law.
13. The view was expressed that the discussion under the item should be focused on exchanges of information and experience by States on space "soft law" rules, and should avoid creating a negative impact on the will of countries to conclude and implement "soft law" rules. In that regard, the delegation expressing that view was also of the view that preparation and implementation of non-legally binding instruments on outer space should be carried out on the basis of existing United Nations treaties, principles and declarations on outer space, should take fully into account the need and interests of the developing countries, should not exceed countries' current capacity to develop space technologies or their level of

management of space activities, and should not seek to introduce standards or requirements that were hard to implement.

14. The view was expressed that in order to ensure safe, sustainable and secure space activities in the long term, there was a need to fill another legal lacunae in the international space law regime by paying particular attention in the Committee and the Subcommittee to the prevention of the arms race and deployment of any type of weapon in outer space. The delegation expressing that view was also of the view that, in that regard, States could make political, legally voluntary declarations which, if violated, could have substantial political consequences.

15. The view was expressed that the Subcommittee could find it relevant to consider under the item developments relating to best-practice instruments concerning outer space activities, such as the draft International Code of Conduct for Outer Space Activities, initiated by the European Union, the report of the Group of Governmental Experts on Transparency and Confidence-Building Measures in Outer Space Activities (A/68/189), as well as the work and recommendations under way in the Working Group on the Long-term Sustainability of Outer Space Activities of the Scientific and Technical Subcommittee.

16. Some delegations expressed the view that the sets of principles and guidelines adopted by the United Nations were not less important for the peaceful use of outer space than the treaties and international conventions, and that the Subcommittee should conduct a regular review of their acceptance and implementation by States and international intergovernmental organizations.

XI. Review of international mechanisms for cooperation in the peaceful exploration and use of outer space

17. Pursuant to General Assembly resolution 68/75, the Subcommittee considered agenda item 13, entitled "Review of international mechanisms for cooperation in the peaceful exploration and use of outer space", as an item under its five-year workplan (see A/AC.105/1003, para. 179). In accordance with the workplan, for 2014 the Subcommittee continued to conduct an exchange of information on the range of existing international space cooperation mechanisms.

18. The representatives of Austria, China, France, Germany, Japan, Italy and Spain made statements under agenda item 13. During the general exchange of views, statements relating to the item were also made by representatives of other member States.

19. At its 878th meeting, on 24 March, the Subcommittee established its Working Group on the Review of International Mechanisms for Cooperation in the Peaceful Exploration and Use of Outer Space, under the chairmanship of Setsuko Aoki (Japan). At its [...] meeting, on [...], the Subcommittee endorsed the report of the Chair of the Working Group contained in annex III to the present report.

20. The Subcommittee had before it the following documents:

(a) Note by the Secretariat on the review of international mechanisms for cooperation in the peaceful exploration and use of outer space, containing information received from Algeria, Germany and Kenya (A/AC.105/C.2/105),

Argentina (A/AC.105/C.2/105/Add.1) and the International Law Association (A/AC.105/C.2/105/Add.2);

(b) Conference room paper on space cooperation mechanisms in the Russian Federation, containing information received from the Russian Federation (A/AC.105/C.2/2014/CRP.23);

(c) Conference room paper on the review of international mechanisms for cooperation in the peaceful exploration and use of outer space, containing information received from Japan (A/AC.105/C.2/2014/CRP.24);

(d) Conference room paper containing a summary of international cooperative mechanisms utilized by Canada in the peaceful exploration and use of outer space (A/AC.105/C.2/2014/CRP.25);

(e) Conference room paper on the contribution of Turkey to the fifty-third session of the Legal Subcommittee (A/AC.105/C.2/2014/CRP.26);

(f) Conference room paper presented by ESA entitled "The European Space Agency as mechanism and actor of international cooperation" (A/AC.105/C.2/2014/CRP.28).

21. The Subcommittee heard a presentation entitled "International mechanism for cooperation in the peaceful exploration and use of outer space in the case of the Japan Aerospace Exploration Agency (JAXA)" by a representative of Japan.

22. The Subcommittee noted the breadth and diversity of the mechanisms utilized in space cooperation, including multilateral and bilateral legally binding agreements; non-legally binding arrangements, principles and technical guidelines; multilateral coordination mechanisms through which space system operators coordinated the development of applications of space systems for the benefit of the environment, human security and welfare, and development; and a variety of international and regional forums, including the African Leadership Conference on Space Science and Technology for Sustainable Development, the Asia-Pacific Regional Space Agency Forum, APSCO and the Space Conference of the Americas.

23. The Subcommittee noted that the exchange of information on the review of international mechanisms for cooperation in space activities should focus not only on the legal aspects of those mechanisms but also on practical issues, such as the reasons behind the development of such mechanisms and the benefits for States that acceded to them.

24. The Subcommittee noted that the review of the mechanisms for cooperation in space activities would continue to assist States in understanding the different approaches to cooperation in space activities and would contribute to the further strengthening of international cooperation in the exploration and peaceful uses of outer space. In that regard, the Subcommittee recalled that 2017, the final year of consideration of the agenda item, according to its workplan, coincided with the fiftieth anniversary of the Outer Space Treaty.

25. Some delegations expressed the view that international cooperation in outer space activities should be based on the concept of inclusive development, bringing the benefits of space activities to all countries, irrespective of their level of economic development, in accordance with the Declaration on International Cooperation in the Exploration and Use of Outer Space for the Benefit and in the

Interest of All States, Taking into Particular Account the Needs of Developing Countries, adopted by the General Assembly in its resolution 51/122.

26. The view was expressed that the international cooperation mechanisms of the space community should be extended to include partnerships with entities engaged in development assistance, thus strengthening the contribution of space technology and its applications to sustainable development goals and the post-2015 development agenda.

27. The view was expressed that the Subcommittee should play a positive role in fostering international cooperation so as to strengthen the design of the system of international cooperation and develop an effective and practical cooperative mechanism for the purpose of safeguarding peace, security and the rule of law in outer space.

28. The view was expressed that international initiatives for cooperation on specific aspects of the exploration and use of outer space, such as Earth observation and global navigation, were conceived for the purpose of uniting different space actors to maximize synergies, thereby fostering information-sharing and promoting the use of space applications and services also in developing countries.

29. Some delegations expressed the view that international cooperation would continue to be a necessary basis for dealing with new challenges, such as ensuring the long-term sustainability of space activities and promoting peace and security so as to enable the sustainable development of all countries.